

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT KINANN, et al.,

Plaintiffs,

v.

CENTEX HOME EQUITY COMPANY,
et al.,

Defendants.

No. C 10-2608 PJH

**ORDER TO SHOW
CAUSE**

On June 14, 2010, plaintiffs filed the original complaint in this action. More than four months later, however, plaintiffs have yet to file proof of service with the court demonstrating the requisite service of the complaint and summons upon defendant All Fund Mortgage ("All Fund"). Pursuant to the federal rules of civil procedure, plaintiffs were required to complete service of the summons and complaint "within 120 days after the filing of the complaint," or else risk dismissal of the action as to defendant. See Fed. R. Civ. Proc. 4(l, m).

Having thus far failed to demonstrate proper service of the summons and complaint upon defendant All Fund, the court hereby orders plaintiffs to show cause, via letter brief to this court within **ten days** of the date of this order, why the complaint should not be dismissed against All Fund for failure to effect service of process. Plaintiffs are further advised that if they fail to timely respond to this court's order, the complaint will be dismissed as to All Fund with no further hearing or briefing.

IT IS SO ORDERED.

Dated: March 25, 2011



PHYLLIS J. HAMILTON
United States District Judge